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### Battling over Bargain-Hunting: Defining the American consumer through mass-consumption shopping practices, 1909- 1915

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**Battling over Bargain-Hunting:  
Defining the American consumer through mass-consumption shopping practices, 1909-  
1915**

Senior Essay in History

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Advised by Professor Beverly Gage

April 12, 2021

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### **Abstract**

This essay examines the debate and backlash against bargain-hunting in the first two decades of the 20<sup>th</sup> century across the United States. Using newspaper coverage and advertisements, congressional testimony, and the writings and speeches of businessman Ed Filene, it provides an account of the social and political discussion surrounding the practice of bargain-hunting, which include tensions at various levels. It concludes that the debate surrounding bargain-hunting and bargain-hunters, the women who most often engaged in such practices, reflected the challenges of imagining the concept of the American consumer and grappling with the role and relationship of the consumer as a political unit and idea while American economic and political society was shifting to center this still-undefined consumer. Bargain-hunting, broadly conceived as the practice of looking for items sold at below manufacturer suggested retail price, often by large retailers, gained traction with the advent of mass production and the rise of large retailers and comparison shopping, and continued as a practice through both immediate and persistent social backlash and attempts at political responses. This essay examines the strands of both the social and political debates over bargain-hunting and bargain-hunters, arguing that attitudes towards bargain-hunting revealed conceptions of the consumer and its intended role in American society that were disparate, unpredictable, and fractured. It uses both social commentary and testimony from legislative hearings to demonstrate how bargain-hunting reflected the untethered and ongoing tensions Americans grappled with in imagining what the place, interest, and protection of consumers with respect to political identity and citizenship should look like in a consumer-centered world, even as that world was actively unfurling around them.

### **Introduction: American consumption, shopping as politics, and economic citizenship**

On the afternoon of April 29, 1915, about 150 men gathered at the world's tallest building — the Woolworth building in downtown New York City, which had been completed just a couple years prior — to attend a hearing held by the Committee of the Merchants Association to listen to arguments for and against HB 13305, more commonly known as the Stevens Bill. The men, who represented manufacturers, retailers, and what we would now consider wholesalers of commercial goods, had gathered to understand and convince the committee and those in attendance either to support or oppose the bill.<sup>1</sup> The chairman of the Committee of the Merchants Association opened the meeting by explaining the bill, which would “permit the manufacturer of an article under a trade mark or special brand to fix the sale price of the same at wholesale or retail and will make valid contracts fixing this price”.<sup>2</sup>

The bill, although innocuous-seeming, was in fact a sweeping indictment of and response to the new realities of American economic life. Price-fixing, which effectively would prevent price-cutting by retailers — a sale, by contemporary terms — had become a hot-button issue for Americans. As mass consumption created new forms of retail, and new retail strategies, American shoppers took advantage of new ways to stretch their dollars, engaging in a practice best described as bargain-hunting, looking for cut-price merchandise. These shoppers, mostly women, looked for goods that were marked down as a result of a variety of retail schemes, most commonly the advertised price cuts by large department stores and through shopping at designated bargain stores. Price-cutting, which we would now consider common and

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<sup>1</sup> “FIXING PRICES FOR RETAILERS: Dealers and Manufacturers Discuss the Stevens Bill, Which Has This End. ARGUMENTS FOR EACH SIDE Question Whether the Maker of an Article Shall Say for How Much It Must Be Sold.,” *The New York Times*, April 30, 1914.

<sup>2</sup> Ibid.

uncontroversial in the form of a sale, involved retailers selling products at a lower price than manufacturer's suggested retail price. Sometimes, this price could even dip below the price which the retailer paid to acquire the good from the manufacturer or distributor. By the time men like E.W. Bloomingdale himself and representatives for R. H. Macy Co gathered at the Woolworth Building, the House of Representatives had heard testimony on the Stevens Bill for more than a year<sup>3</sup>, and advocates and opponents of the bill alike were working vigorously to convince various industries of their respective positions.

The debate at the Woolworth Building was fierce — Charles Butler, representing the American Bookseller's Association, spoke strongly in favor of the Stevens Bill, arguing that, "every bookseller, publisher and author favor[ed] it" and that it was "essential" that books have a fixed price. Opponents of the bill were equally serious in their opposition; Simon Rothschild, the philanthropist and merchant who was president and chairman of the board of the Brooklyn department store Abraham & Straus,<sup>4</sup> told the committee that the Stevens Bill's enabling of price-fixing by manufacturers was "monopolistic", and George Beattys said that his company, the Aeolian Company, which became one of the world's largest manufacturers of musical instruments,<sup>5</sup> "could not go on" if the Stevens Bill were passed. Bloomingdale, of the Manhattan

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<sup>3</sup> Raymond Stevens, "A Bill to Prevent Discrimination in Prices and to Provide for Publicity of Prices to Dealers and to the Public.," Pub. L. No. H.R. 13305 (1914), [https://congressional.proquest.com/congressional/docview/t03.d04.63\\_hr\\_13305?accountid=15172](https://congressional.proquest.com/congressional/docview/t03.d04.63_hr_13305?accountid=15172); United States Congress, "ON H. R. 13305 TO PREVENT DISCRIMINATION IN PRICES AND TO PROVIDE FOR PUBLICITY OF PRICES TO DEALERS AND THE PUBLIC.," Pub. L. No. Y4.In8/4:P93/3, § THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE (1917), <https://congressional.proquest.com/congressional/docview/t29.d30.hrg-1914-fch-0020?accountid=15172>.

<sup>4</sup> "NOW ABRAHAM & STRAUS.; BIG CHANGE IN A BIG STORE WHICH ALL BROOKLYN KNOWS.," *The New York Times*, April 2, 1893.

<sup>5</sup> Cynthia Adams Hoover, *Aeolian Co*, vol. 1 (Oxford University Press, 2014), <https://doi.org/10.1093/gmo/9781561592630.article.L2261114>.

department store family, protested that the bill was both impractical — too wide in its reach — and that the “consuming public” had not been heard from and was opposed to the bill.<sup>6</sup> The committee meeting revealed a cross-section of the tensions from within the commercial elite over price-cutting and price-fixing, and over the trends of mass consumption more broadly. As mass consumption rose in America, so did the need to define and respond to what a mass consumer society ought to value, and how to practice those values.

This essay examines the debate and discussion over bargain-hunting and bargain hunters from 1909 — when America’s most famous bargain basement, Filene’s Bargain Basement, opened<sup>7</sup> — to 1915, through the debate over the Stevens Bill. Such discussions about the merits and ills of bargain-hunting and if and what the response should be, were far from being simple battles of well-defined interest groups along prior alliances. Against the backdrop of the existence and rapid expansion of bargain-hunting as a practice, the fractured, shifting disagreements and confusions over evaluations of and attitudes towards bargain-hunting — and the corresponding inability to cleanly transpose other political alignments and alliances of the era onto the issue — demonstrated the extent to which the rising mass consumption economy forced the American public to reckon with and acknowledge economic participation and citizenship as political and civic participation and citizenship. The evolution of the interaction between the practice of and the debate over “bargain-hunting” ultimately contributed to the formation of the American vision of consumer identity, interest, and protection that still sits at the center of realm

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<sup>6</sup> “FIXING PRICES FOR RETAILERS.”

<sup>7</sup> Meg Jacobs, *Pocketbook Politics: Economic Citizenship in Twentieth-Century America*, Politics and Society in Twentieth-Century America (Princeton, N.J: Princeton University Press, 2005), 15.

of citizenship today. Notably, the odd bedfellows created by the debate over bargain-hunting promoted grounding our vision of consumer protection in one of informed choice.

Among the many shifts in the United States in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, one of the most consequential with respect to expanding the reach of political life and civic identity was the turn away from a producer-centered society towards a consumer-oriented one. Historians Meg Jacobs and Lizabeth Cohen, in particular, have written extensively about the ways in which the rise of mass production, which in turn resulted in mass consumption, reshaped visions of citizenship, making a central American tenet that of shared identity as consumers. Jacobs argued in her book “Pocketbook Politics” that the “ideology of economic citizenship”, a 20<sup>th</sup> century conception that was rooted in participation in the mass consumer society, became essential to modern liberalism as we know it and, by proxy, American political ideology, process, and identity.<sup>8</sup> This concept of economic citizenship stood in contrast to the producer-centered ideology of American citizenship of the past, and inevitably created certain social and political frictions as American society adjusted to the shifting alignments in conceptions.<sup>9</sup>

Cohen wrote in, “A Consumer’s Republic”, that the rise of mass-consumption eventually transformed conceptions of not just the economy, but also culture and politics in 20<sup>th</sup> century America. Cohen claimed that American embrace of individual consumption, and of consumer as central to conceptions of citizenship — Jacobs’s ideology of economic citizenship — came to be because centering consumption and consumers presented a way to improve living conditions and achieve greater social equality without serious political upheaval and buy-in to redistribution of

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<sup>8</sup> Jacobs, *Pocketbook Politics*; Meg Jacobs, “STATE OF THE FIELD: THE POLITICS OF CONSUMPTION,” *Reviews in American History* 39, no. 3 (September 2011): 561–73.

<sup>9</sup> Richard Hofstadter, *The Age of Reform: From Bryan to F. D. R.* (New York: Vintage Books, 1955), 170–72.



wealth.<sup>10</sup> Taken in the context of Jacobs's work, Cohen demonstrated that the re-centering of American citizenship around participation in mass consumption and identity as consumers unfolded as quickly and thoroughly as it did because the promise of "consumer identity" and "consumer protection" joined together progressive social visions and non-progressive political mechanisms to promise a solution that allowed various demographics and classes to buy in without deep ideological compromise.<sup>11</sup> This big-tent vision of consumer mobilization, in turn, complicated alliances and arguments across and within consumer issues.

Jacobs argued that one of the most important implications of this shifting alignment was that the new power of the pocketbook empowered people like working class women, who often occupied dual roles as workers — integrated into the era's struggles of class and labor — and consumers. Women in the early decades of mass consumption, while still lacking the vote, suddenly found themselves making purchasing decisions that effectively amounted to economic and political decisions, giving them new and public existences. She identified the "bargain-hunter" as this newly empowered, mostly middle- and working-class female consumer. In conjunction with a slew of seemingly strange and often changing bedfellows, including both organized labor and mass retailers, these bargain-hunters challenged the power that producers held and led to new consciousness, and therefore the coalescing of citizens of all types to collectively make demands as consumers. These bargain-hunters, and the mass-consumption based practices of shopping in general, Jacobs argued, demonstrated why and how consumer identity and interest came to political prominence in the United States.

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<sup>10</sup> Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*, 1. Vintage Books ed (New York, [NY]: Vintage Books, 2004).

<sup>11</sup> Ibid.

Though Jacobs and Cohen created comprehensive and compelling narratives about the rise of the ideology of economic citizenship through mass consumption and the practices it spurred, neither delved deeply into the narrative of the bargain-hunters — or the general and prolonged tension politically and socially over both the people and the practice and what place, if any, these bargain-hunters should have in a new consumer-based society. Bargain-hunters, at times as derided as they were common, forced Americans to grapple with the more nuanced questions, after they admitted that the rise of the consumer was underway.

Analysis of women, and their actions and roles in their newly but increasingly consumer-centered world, is not uncommon, given that, in the 20<sup>th</sup> century, between 80 and 85 percent of all consumer spending in the United States was done by women.<sup>12</sup> Emily Remus, in “A Shoppers’ Paradise” examined the seemingly frivolous actions of wealthy women in downtown Chicago at the turn of the 20<sup>th</sup> century. Remus argued, far from being shallow fights over hoop skirts and hats, the conflicts and disagreements women spurred as they exercised their consumer power in this new Chicago actually reflected and contributed to the ultimate resolutions of deep-seated questions of the time: what is the place of women in public, and what kind of consumer pleasure should be acceptable and desirable?<sup>13</sup> Remus’s women were mostly extremely affluent, ladies who lunched and shopped. This category of women certainly had their impact, but it does

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<sup>12</sup> Emily Remus, *A Shoppers’ Paradise: How the Ladies of Chicago Claimed Power and Pleasure in the New Downtown*, 2019, 11, <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=2034423>.; Janice Williams Rutherford, *Selling Mrs. Consumer: Christine Frederick and the Rise of Household Efficiency* (Athens, Ga: University of Georgia Press, 2003), 12.; William R. Leach, “Transformations in a Culture of Consumption: Women and Department Stores, 1890-1925,” *The Journal of American History* 71, no. 2 (September 1984): 319, <https://doi.org/10.2307/1901758>.

<sup>13</sup> Remus, *A Shoppers’ Paradise*, 116–46.

not reflect the realities or implications of the middle, and mostly working, class women who bargain hunted, often in the same big cities as Remus's wealthy women.

To fully understand the extent of tension and dissonance over the rising consumer society demands examination of the narrative around working-class women in the period that Jacobs, Cohen, and Remus wrote about. While Jacobs gave these women the most attention relative to her peers, she used them mostly as one example of phenomena that arose as a result of the rise of mass consumption and to demonstrate the much broader and longer shift towards economic citizenship. I will use this essay to look more closely into these women and the consumer practices they engaged in, like bargain-hunting. In particular, I will argue that debates over what to think about and do with bargain-hunting and bargain-hunters were both symptomatic of the unprecedented political placement and categorization of 'the consumer issue' and ultimately contributed to the shape of American consumer mobilization at large. Understanding the development of consumer identity and the trajectory of consumer protection in American history in the decades following requires understanding why and how unexpected and inconsistent coalitions formed with respect to how consumer mobilization and protection should be defined, relative to, for example, other progressive or even reactionary movements. I intend to use working class women shoppers and their consumption practices, specifically bargain-hunting, to understand who formed which factions and groups in the implied discussions over how to define "the consumer" and what "consumer interest" and "consumer protection" ought to look like in American society.

### **Basements, chains, and department stores: the rise of mass consumption retail practices**

Boston businessman Edward Filene and his brother Lincoln, by the turn of the 20<sup>th</sup> century, had successfully incorporated their father's handful of sleepy retail outlets into a chain of department stores.<sup>14</sup> The department store continued to grow, but Ed Filene's biggest move in retail came less than a decade later, when he opened up his first "Bargain Basement", in January of 1909.<sup>15</sup> Filene's Bargain Basement, which operated separately from the department store — though they were owned by the same company and shared a building, where the Basement occupied its namesake level — drew increasingly large crowds, even for the era of mass consumption. Shoppers entered the Basement through a separate entrance; originally designed as a temporary setup for the holidays, Filene made it permanent and renovated the outside and entry to the basement with appealing paint and lightbulbs, to visually attract customers.<sup>16</sup>

The success of the Basement was not just due to the application of well-honed department-store retail tactics such as enticing decorations and displays. Rather, Filene's innovation with the Bargain Basement demonstrated his understanding of the era; mass production's impact on productivity had turned most Americans into mass consumers. The Basement reflected the increasing amount of choice Americans had in the goods they consumed and a corresponding increasing focus on the issue of value: getting good quality at a good price. Filene's Bargain Basement understood that the relationship between quality and price was effectively one of a ratio, and consumers, by virtue of having choices, were increasingly demanding higher quality and lower prices. The Bargain Basement did not source its goods from

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<sup>14</sup> Jacobs, *Pocketbook Politics*, 17.

<sup>15</sup> *Ibid.*, 15.

<sup>16</sup> "Display Ad 10: Filene's Automatic Bargain Basement: TUESDAY AT 8:30 A. M. THE NEW Automatic Bargain Basement Opens Its Doors," *Boston Daily Globe*, September 1, 1912, 10.

Filene's department stores. Rather, the Bargain Basement had its own sets of buyers<sup>17</sup>, who looked for what Filene called "frozen capital".<sup>18</sup> Empowered by mass production, "frozen capital" existed because tastes changed quickly. The basement sought out overstock and surplus that it could sell for an already low sticker price compared to goods upstairs in the department stores. This frozen capital was a direct and new byproduct of mass production and consumption —when production had been more personal, as well as more capital and labor intensive, there was no such excess, and no overstock market to be cleared — and Filene capitalized on it to popularize the bargain basement model.<sup>19</sup>

But beyond buying this frozen capital and pricing at an already-low sticker price, the Basement business model worked by even further explicitly acknowledging the price-quality relationship and providing a pricing scheme that made every price — and therefore each item's value — transparent and increasingly explicitly enticing to the savvy shopper. Each item that arrived on the floor of the Basement was marked on its tag with its price and the date it was placed on the floor. After 12 days, unsold items were marked down 25 percent. After 18 and 24 days, prices dropped by 50 and 75 percent respectively. Items that had not sold within a month were given to charity.<sup>20</sup> This system was aptly named automatic markdowns.

Filene's automatic markdowns were designed so that the store would sell merchandise at such large volumes and so quickly that profits were more derivative of sheer volume of sales

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<sup>17</sup> "Display Ad 19: Filene's Automatic Bargain Basement: Today We Answer Questions Frequently Asked About the Automatic Bargain Basement," *Boston Daily Globe*, September 28, 1912, 19.

<sup>18</sup> Edward A. Filene, *THE MODEL STOCK PLAN. MORE PROFITS FROM MERCHANDISING: FOR DISTRIBUTORS, PRODUCERS, AND BUYERS* (Chicago, New York: A. W. Shaw Company, 1925), 37–56.

<sup>19</sup> *Ibid.*, 128.

<sup>20</sup> "Display Ad 19: Filene's Automatic Bargain Basement: Today We Answer Questions Frequently Asked About the Automatic Bargain Basement," 19.

than profit margin on any individual sale. Filene's understanding of the important relationship between price and quality for consumers, and of the importance of sales volume to retailers, made his bargain basement successful almost immediately and replicated throughout the United States. The success of the automatic markdown strategy was pronounced in part for the same reason that the rise of department stores had been so swift: Filene's Bargain Basement met every need. Ads for Filene's Department Store and Filene's Bargain Basement often listed off categories and examples of goods — one 1914 ad referenced intimate apparel, neckwear, dresses, suits, skirts, slippers blouses, fur, baby goods, gloves, and toilet goods as categories, and gave at least ten examples of each, and their prices.<sup>21</sup> Each ad Filene ran emphasized, in varying language, that there were “hundreds of other bargain lots”<sup>22</sup> in store, inviting shoppers to come browse for themselves. Every imaginable item of clothing for the whole family, in addition to all types of household goods, could be found in the basement, making it a one-stop-shop for thrifty shoppers.

While shoppers flocked to get a good deal, the country grappled with continued unease about the rise of bargains, and more vocally, about the rise of bargain-hunters. Skeptics derided the basement business model from the start — commentators said that shoppers, knowing the pattern and timing of the markdowns, would never buy anything until it was heavily, heavily discounted and therefore unprofitable. Filene's overcame this prediction; most merchandise was sold before the first automatic markdown, and fewer than one in every thousand items was

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<sup>21</sup> “Display Ad 68: For Every Extra Value Named in This Filene Page There Will Be TWO in the Filene Shop, Monday,” *Boston Daily Globe*, November 1, 1914.

<sup>22</sup> “Display Ad 21: Filene's Automatic Bargain Basement: Featured in a Paris Play Now; Same Model Sold in Automatic Bargain Basement Two Weeks Ago!,” *Boston Daily Globe*, November 24, 1912, 21.

ultimately sent to charity after a full month on the sales floor.<sup>23</sup> But Filene's target customers, and their shopping habits — formed by and in response to the mass consumption retail tactics, including advertisements of price cuts by department stores and automatic markdowns — were still met by confusion and derision by the public, who questioned the viability of such business models. When Filene's and other department stores and basements proved to have longevity, newspapers and politicians continued to grumble about the practices of American consumers now that consumers could truly shop; they were looking for good deals, and retailers competed fiercely — with a slew of tactics, price-cutting foremost among them — to make value propositions to these consumers.

Bargain basements, department stores, and all other mass retailers understood that volume of customers and sales was now the most critically important component of retail success. Filene bought many ads in the *Boston Daily Globe*; one bragged about the department store's retail volume in shoes — 90,000 pairs of shoes in 4.5 months. The ad read, in bold letters, “90,000 People, 10 Abreast, a Procession 5 Miles Long,” giving newspaper readers a sense of the extent of Filene's retail success, measured by volume and audience reached. The statistic, the ad said, was from a recent issue of a store publication, but was “too good to be confined to the four walls of this building”. Filene did not publically boast about other retail measures, such as average profit margin, perhaps because high sales volume was the most significant and indicative proxy of success.

Filene's vision of retail, and his commitment to the rise of mass retail and power of mass retailers, reflected his belief that the shifts in consumption culture — in creating the political identity of a consumer, with interests and power — and corresponding innovations like

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<sup>23</sup> Jacobs, *Pocketbook Politics*, 26.

advertising and automatic markdowns were not just inevitable in the age of mass production, but good. Later in his life, Filene became a very public and vocal champion of progressive causes in addition to a successful businessman. He saw his belief in the importance of mass retailers and consumption as consistent with his other progressivism — some of his most high-profile causes involved supporting government welfare, including unemployment insurance and minimum wages. He supported the unionization of workers, beginning with his own in the department stores and bargain basement, and spent much of his final years working for the formation of local credit unions, meant to make economic loans affordable and available to working class Americans. In the 1930s, he was in the very small minority of prominent businessmen in his outspoken support for the New Deal and early and consistent support of President Franklin Roosevelt.<sup>24</sup>

Filene, thanks to his public engagement with the political issues of his time, was a reasonably well-known figure, and he often spoke and wrote about his economic and political beliefs. In his 1931 book, *Successful Living in This Machine Age*, he wrote about his business tactics — those that had made his Bargain Basement a hit nearly two decades earlier — and his political analysis underlying such business choices. By then, Filene was a heralded businessman, and bargain-hunting had overcome the peak debate of the first two decades of the century.

Filene's business model and understanding of consumption in the era of mass production hinged on the nature of the relationship between producer, retailer, and consumer. It was both good business and practically a demand of mass production that the new central tenet of retailers like Filene should be the consumer dollar value. Filene explained in *Successful Living* that, unlike

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<sup>24</sup> Constance Burns, *Filene, Edward Albert (1860-1937), Merchant, Reformer, and Philanthropist*, vol. 1 (Oxford University Press, 2000), <https://doi.org/10.1093/anb/9780198606697.article.1000547>.



anytime earlier, there was a consumer dollar value in the era of mass consumption that was non-trivial.<sup>25</sup> Previously, whatever money you had was just that — you could perhaps do more or less with it at a very marginal scale, in the context of haggling with a local shopkeeper, who himself probably didn't have much leeway on what he and his dollars could do. But in the 20<sup>th</sup> century, Filene argued, the much more variable consumer dollar value was at the center of successful retail philosophy.

Consumers were looking to avoid — and even had an imperative to avoid — shrinking their dollars, and Filene argued that, besides non-buying altogether, the primary contributor of such shrinkage was “the buying of less than the dollar might be made to buy, that is, paying unnecessarily high prices for anything which is bought”.<sup>26</sup> Filene believed that the importance of maximizing the dollar was not just for the immediate effect of maximizing the goods and services that the spender of the dollar could enjoy. Beyond that, dollar shrinkage ultimately harmed the economy more broadly. Filene's vision of consumption and spending reflected economic theory more than it did political thought; he claimed that, “everything which the consumer buys, if he gets the fullest possible value for his money, gives maximum employment to other consumers, makes businesses as prosperous as business can be and enlarges the consumer's dollar”.<sup>27</sup> Filene's analysis of the implications of maximizing consumer dollars, and corresponding justification for the necessity and virtue of bargains and bargain-hunting, existed through the lens of economic mechanisms, what we might now call the multiplier effect of money in the economic system, where how we consume contributes to economic expansion and

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<sup>25</sup> Edward A. Filene, *SUCCESSFUL LIVING IN THIS MACHINE AGE* (New York: Simon and Schuster, 1931), 31–34.

<sup>26</sup> *Ibid.*, 31.

<sup>27</sup> *Ibid.*

growth. Good business — by consumers and retailers — Filene argued, was good for society, and therefore implicitly good politics. Filene made no mention of the moral or social implications otherwise.

Filene's vision of consumer interest and protection was firmly based at the intersection of information and choice, which the public nature of the explanations of the Bargain Basement's automatic markdown system demonstrated. The system was outlined in depth on posters on every wall of the basement, and also often printed on the Bargain Basement's advertisements in the newspapers. Such a belief also undergirded Filene's vision of advertising and other sales tactics as not just acceptable, but part of a healthy consumer-based society, where the rights and interests of consumers were protected. Filene wrote that retailers advertising their goods, including the highlighting of reduced prices for certain goods was part of assisting consumers in their fact finding, after which they could make informed decisions to maximize their dollars. In one of Filene's Bargain Basement's ads in the Boston Daily Globe, in which the automatic markdown system was explained through a series of questions and answers, Filene even went as far as to explain that the existence of a \$5 reward to any customer who found a mismarked price tag in the Basement was "not a puzzle contest" but rather "solely for the purpose of keeping our advertising truthful".<sup>28</sup> In this example, advertising referred not just to that specific ad but also to all forms of publicizing of the automatic markdown and pricing system of the Basement; Filene prioritized fact-finding, and making that fact-finding transparent and truthful. This formed the basis of informed choice in consumer interest and protection. Filene wrote in *Successful Living* that, "Modern business is the effort to get to the public the things which the public want, and it

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<sup>28</sup> "Display Ad 19: Filene's Automatic Bargain Basement: Today We Answer Questions Frequently Asked About the Automatic Bargain Basement," 19.

has discovered that the way to do this most successfully is the way of fact-finding”.<sup>29</sup> Filene argued that only honest advertising would actually benefit businessmen, and therefore advertising ultimately served the consumer interest. He claimed that, “the average American housewife”<sup>30</sup> was aware of the economic and profit-maximizing realities faced by retailers, and used advertising to help determine the value of goods. She, Filene suggested, was actually better at shopping to maximize her household’s dollars, given her experience and the information she received as a result of advertising and other fact-finding aids, than her “more theoretical husband”.<sup>31</sup> Shoppers, mostly women, Filene acknowledged, were both subject to and discerning of advertising.

In December 1927, Filene gave a speech to the American Economic Association on the status and future prospects of American department stores. His speech, spanning 16 typewritten pages, advised department stores to go the route that made him successful as a caterer to women as family purchasers — to consolidate and consider becoming chains, expanding purchasing power and retail volume. “Chains of department stores,” Filene said in his opening line, “will, before very long, dominate the retail field”.<sup>32</sup> He explained the natural economic advantage of department stores, and made the case for why non-chain stores should become chains. Filene cited three primary reasons for the advantage and success of chain stores over their counterparts.

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<sup>29</sup> Filene, *SUCCESSFUL LIVING IN THIS MACHINE AGE*, 217.

<sup>30</sup> *Ibid.*, 220.

<sup>31</sup> *Ibid.*

<sup>32</sup> Edward A. Filene, “THE PRESENT STATUS AND FUTURE PROSPECTS OF CHAINS OF DEPARTMENT STORES by Edward Albert Filene President, Wm. Filene’s Sons Company... An Address Delivered before the American Economic Association, Washington, D. C., December 27, 1927.” (Library of Congress, December 27, 1927), 1, <http://hdl.loc.gov/loc.gdc/amrlg.lg24>.

The first of these reasons was, “Greater purchasing power and, through centralized buying, a lower expense”.<sup>33</sup> Filene highlighted buying power as important not just for the ability of the buyer to push down prices with a larger order, but also because more units ordered meant that the chain store then “passes on most or all of the saving to the consumer”.<sup>34</sup> On average, the benefits of economies of scale not just made production costs lower, but also meant that retailers could afford to sell units, on average, at a lower margin per unit, because they were selling so much. It was the same argument that Filene — and other proponents of allowing the sales and discounts in chains and big retailers like department stores — had been making a decade prior, just in different language. Average profit margin per unit hid the reality that those “average” margins might be constructed through the combination of higher, sticker price merchandise, and discounted goods sold for much more meager profit margins, if any at all.

Filene prescribed that department store chains of the future serve customers of different means, and price goods not dissimilarly to the ideology of his Basement, progressively reducing the prices of goods for consumers as their time in inventory increases so that turnover remained high and strong gross margins were achieved. Filene’s explanation of deal flow prioritization — where no single sale’s profit margin was important enough to hinder transaction flow broadly — made no mention of the words “bargain”, “discount”, or “price-cut”, yet the ideas remained fundamentally the same. The notion of benefitting the consumer through such actions was even more centered than a decade prior, yet Filene’s invitation to give this speech at all demonstrated the ways in which mainstream political tides had turned by 1927 with respect to bargaining and the parties involved, most notably large retailers and female shoppers. Filene himself

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<sup>33</sup> Filene, “THE PRESENT STATUS AND FUTURE PROSPECTS OF CHAINS OF DEPARTMENT STORES”, 4.

<sup>34</sup> Ibid., 5.

acknowledged in his speech that such issues were still fraught, and his ideas highly doubted, just a decade earlier in 1916.<sup>35</sup>

### **Bargain backlash: bargain-hunting spurred private concerns and social debate**

As mass retail initially gained traction, and bargain-hunting rose in prominence, the rise of these new retailers and their sales tactics produced immediate and persistent social debate. The debates, which played out in cities throughout the United States, reflected aspects of the rapid nature of shifting power with respect to consumption and confusion over the proper social response. In the first few years of Filene's Bargain Basement, bargain hunting quickly became a popular and established practice, but there was no consensus about what to think of these bargains, as well as those who participated in this new form of bargain-hunting, be it the retailers who used the offer of bargains to advance their business or the shoppers who spent their time and energy hunting for them. Women had gained a piece of political power in the newfound structure of consumption, and public scrutiny to go along with it.

Public commentary and confusion reflected the complications in thinking about bargains and bargain-hunting; urban newspapers of the time demonstrated the degree to which the informed public was aware of the existence of such consumption practices but not entirely sure of the benefits and ills of a society in which consumers could now find bargains. It was not rare for the Globe to publish cartoons both questioning the merits of the idea of a bargain, and questioning that questioning.

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<sup>35</sup> Filene, "THE PRESENT STATUS AND FUTURE PROSPECTS OF CHAINS OF DEPARTMENT STORES" 6.

In 1909 — the same year Filene's Bargain Basement opened and Bostonians could now hunt for bargains daily in a place devoted to such value mining — the Globe republished a simple cartoon titled "No Bargain" from the Syracuse Herald. The cartoon's caption read, "Remember, Emily, that cheap things are not always bargains." "So I discovered, Alfred, when I married you."<sup>36</sup> The husband's comment clearly referenced the perpetuation and popularization of women looking for bargains in their shopping. Bargains, supposed to be good quality for their price, had become so much part of the shopping scene that a husband felt it necessary to remind his wife — who presumably did the purchasing for the family — that merely being cheap does not make an item worth buying. Something cheap was decidedly not a bargain if its quality is not worth its price, however low.



Figure 1: "NO BARGAIN" Cartoon, February 1, 1909, Boston Daily Globe. Husband Alfred warns wife Emily about price and bargains.

<sup>36</sup> "NO BARGAIN," Boston Daily Globe, from Syracuse Herald, February 1, 1909.

Alfred's commentary reflected skepticism about the newly widespread practice of looking for bargains — dual skepticism that retailers would truly offer that many good deals, as he implicitly suggested that goods with a low price did not necessarily warrant even their low prices, given their low quality. His skepticism about the nature of these so-called bargains also demonstrated another layer of implicit skepticism, one that questioned whether his wife possessed the ability and judgement to identify a true bargain; he thought she needed a reminder against the folly of bargain-hunting, so attracted by something cheap that she might not be getting a good deal at all. Emily's biting response — in which she brushes off the comment by turning it into a lighthearted joke against her husband — demonstrated the skepticism, in turn, of consumers, mostly women, against these paternalistic sentiments and figures — be it their husbands or eventually legislators in Congress — and their concern about the propensity of women, as buyers, to being misled or engaging in folly. Readers of the newspaper's cartoon presumably felt similar dynamics play out in their communities and could relate to either or both Emily and Alfred, and to grappling with the larger questions and tensions raised in the wake of mass consumption contributing to the rise of a relatively new phenomenon: women looking for a good deal.

Confusion over how to regard bargains and bargain-hunters was steady and ongoing. As time passed, public discussion also reflected some of the more nuanced tensions in thinking about bargain-hunting and its implications — all while the practice itself became quickly and deeply entrenched in American consumption, particularly in urban areas, where department stores and mass retailers had the largest physical presence. In January of 1910, J.W. Foley wrote a satirical piece in the New York Times about the “bargain bug”. The urge to look for a bargain in shopping, Foley wrote, was much like an illness; the bug bit unsuspecting victims and made

its inhabitants behave in crazy, unreasonable, and unexpected ways. Foley wrote the piece in the first-person, and the narrator began by asserting that he was, “not a bargain hunter”.<sup>37</sup> The complexity of Foley’s satire is heightened by a clearly male narrator — while women had certainly been initially more prone to the disease, the narrator suggested, it spread indiscriminately. Already we see the complication of certain narratives surrounding the derided act of bargain hunting. Was the so-called illness mostly present in women? Yes, Foley suggested. Was it something that only women — by virtue of their gender or its social implications — were susceptible to? No. Foley did imply, though, that the itch to bargain hunt was dangerous and had no societal benefits. The narrator engaged in an unreasonable fight that transforms him into essentially a monster or barbarian over a shirt, only to be reminded at checkout that the shirt is a size 18, while he wore a size 14.5. He purchased it anyway, to win in a battle of bargaining against another shopper interested in the shirt, and concluded that, “Thus it was I saved 13 cents on the price of an eighteen shirt that I could not possibly wear.” Hearing another shopper lust after the shirt, though, the narrator walked out feeling victorious.<sup>38</sup> Foley’s satire suggested that, far from allowing consumers to look for good deals and therefore extend the power of their dollar, the lure of a bargain incited consumers to behave in irrational ways, spend money that they wouldn’t have on items that served no purpose to them and therefore actually effectively shrunk their dollars, or — even if a bargain hunter did manage to buy something useful — was at such a meaningless discount in price that, on the whole, the losses of bargain hunting far outweighed any possible benefit. The act of bargain-hunting had taken on a

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<sup>37</sup> J.W. Foley, “THE BITE OF THE BARGAIN BUG---AND WHAT CAME OF IT: A Tale of Dramatic Experiences Showing Who Was Crowned Victor in a Battle Fraught with Tragedy.,” *The New York Times*, January 30, 1910.

<sup>38</sup> Ibid.



life of its own, one that was all-consuming, dangerous, and on the rise. The act itself was bad; Foley didn't explicitly point fingers at the bargain basement providing these bargains, nor did he blame the shoppers, mostly women, for their seemingly uncontrollable urges and behavior. His observation of the dangerousness of the new behavior conveyed most conclusively just how insidious the practice of hunting for bargains was, but did not discern which of the new groups of players were involved in the creation and perpetuation of such negative implications.



*Figure 2: Illustration from "THE BITE OF THE BARGAIN BUG", January 30, 1910, New York Times. Bargain-hunters are portrayed in a chaotic frenzy,*

While bargains were discussed in the court of public opinion — to few satisfactory conclusions — the new mass retailers marched on with their sales practices and successes. Filene continued running regular ads in the *Globe*, and the store was a constant success. Even as bargains, those who offered them, and those who hunted for them, fell under scrutiny, business boomed. The *New York Times* reported that buyers from the Filene Company of Boston were

“besieged” in New York in December 1913, when they arrived to look at merchandise to carry. The Times noted that more than 250 manufacturer sales representatives met with the group of 26 Filene’s buyers — 15 buying for the basement and the rest buying for the department store.<sup>39</sup> The Times wrote up the high turnout by manufacturer sales representatives for the next day’s paper, noting with marvel and intrigue the turnout and the innovations underlying the success of the company, in particular that of the Basement, whose large and in-demand team of buyers reflected the already high and still fast-growing impact and profile of its business model. While many manufacturers might have supported criticisms of bargain-hunting and bargain-hunters — either publically or privately — they also, as demonstrated by their turnout to show their goods to Filene’s buyers in New York, understood and participated in the new model of consumption, where large retailers had become increasingly empowered in relation to manufacturers. If producers were going to fight the tides, the reception of Filene’s buyers in New York showed, it would not be through economic practices in the market alone, where the power balance had already shifted too substantially in favor of large retailers.

### **The Stevens Bill: Congressional, public debate revealed unexpected alliances, tensions**

Congress mounted an attempt to respond legislatively to bargain-hunting soon after the practice and corresponding backlash swept the nation, with a first-term congressman spearheading the mission. Representative Raymond Bartlett Stevens was a Democrat from New Hampshire, elected to serve in the House beginning in March 1913. Stevens spent most of the

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<sup>39</sup> “BOSTON BUYERS BESIEGED HERE: More Than 250 Salesmen Show Samples at Filene Company Office in Single Day. WINTER GOODS HARD HIT And Plenty of Good Merchandise Is Now Available — Prices Are Very Attractive,” *The New York Times*, December 17, 1913.

late part of his sole term in Congress preoccupied with an unsuccessful bid for a Senate seat.<sup>40</sup>

His legislative accomplishments were minimal, but he took up the mantle of consumer interest and protection. Stevens viewed the practices of large retailers in enticing bargain-hungry customers as destructive, and in February of 1914 introduced House Bill 13305, “A Bill to prevent discrimination in prices and to provide for publicity of prices to dealer and to the public”. The Bill specifically targeted the practices of large retailers in offering trademarked goods on sale. The Stevens Bill proposed to make it lawful that manufacturers of goods eliminate retail price-cutting. In other words, corporations that made consumer products would be able to specify in their contracts with retailers who distributed their goods that those goods would be sold at a “sole, uniform price” for each article. Specifically, the bill would have protected branded manufacturers and trademarked goods. Such control by manufacturers would have been otherwise illegal under the Clayton Antitrust Act.<sup>41</sup>

The bill did not go further or attempt to explicitly define consumer identity and consumer interest; it was, on its face, merely an attempt to ban a singular practice: price-cutting of branded and manufactured goods. But the debate over whether price-cutting, and its corresponding consumer shopping practice, was harmful was reflective of the debate over what consumer interest and protection ought to look like more broadly. Stevens forced Congress to address, head on, the questions that the public had been grappling with for some time already. Was price-cutting harmful? If so, who did it harm, and who perpetuated the harms? Was there a place for the government in addressing this societal ill? Should consumerism, and corresponding

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<sup>40</sup> United States Congress. “STEVENS, Raymond Bartlett.” *Biographical directory of the United States Congress, 1774-present*. [Washington, D.C.: United States Congress, 1988] Web: <https://bioguideretro.congress.gov/Home/MemberDetails?memIndex=S000885>

<sup>41</sup> Jacobs, *Pocketbook Politics*, 33.

protective actions, be a political, public issue, or a private, moral one? And what did the answers to all of those questions say about the new state of political power and orientation in the age of mass production and consumption? The Stevens Bill was an attempt at catch-up, bringing legislative action in conversation with the everyday practices and concerns of American citizens.

Congress debated the Stevens Bill in two sessions: in a hearing in the House Committee on Interstate and Foreign Commerce, where it was initially introduced, and in the House Judiciary Committee as part of a hearing on a series of trust legislation. In the Committee on Commerce, testimony began almost immediately after Stevens's introduction of the bill, on February 27, 1914, and lasted almost a year, into January of 1915.<sup>42</sup> Over the course of the year, the Committee called more than two dozen witnesses, with future Supreme Court Justice Louis Brandeis as the first and primary witness to make the case for the bill. Brandeis was tasked with laying out the argument for the bill and fielding questions from the Congressmen on the committee. But other witnesses included representatives for watchmakers, druggists, grocers, automakers, and notably, Edmond Whitter, the secretary-treasurer of the American Fair Trade League, an otherwise unlikely alliance of mostly small, local retailers who joined with manufacturers to oppose the rising dominance of large retailers and chains.<sup>43</sup>

Brandeis was already a prominent Boston lawyer when he took up the mantle of advocating for the Stevens Bill. A progressive on many issues throughout his life, he and Ed Filene were later often allies in political causes, in agreement on supporting the little guy.<sup>44</sup> But

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<sup>42</sup> United States Congress, ON H. R. 13305 TO PREVENT DISCRIMINATION IN PRICES AND TO PROVIDE FOR PUBLICITY OF PRICES TO DEALERS AND THE PUBLIC, 1.

<sup>43</sup> Laura Phillips Sawyer, *American Fair Trade: Proprietary Capitalism, Corporatism, and the "New Competition," 1890-1940*, 2018, 135–36, <http://search.ebscohost.com.ezproxy.slv.vic.gov.au/login.aspx?direct=true&scope=site&authtype=ip,uid&db=nlebk&db=nlabk&AN=1623674>.

<sup>44</sup> Burns, *Filene, Edward Albert (1860-1937), Merchant, Reformer, and Philanthropist*.

on the Stevens Bill, Brandeis and Filene were diametrically — although perhaps not directly, given Filene’s lack of formal legislative advocacy — opposed, as Brandeis went to bat as the Stevens Bill’s strongest supporter.

Brandeis began his testimony with a broad outline of the problem of the status quo and price cutting. He referenced the “public interest” demanding price standardization, and used, initially, the “public interest” and “the interest of the small man” interchangeably. The committee scrutinized Brandeis’s testimony heavily — one representative asked Brandeis if the interest of the small man was in fact that of the small manufacturer. Brandeis responded that it was the interest of the, “small manufacturer, the small producers, and the smaller retailer” but, ultimately, “also of the consumer”.<sup>45</sup>

Here, Brandeis first set out to define the consumer and his prescriptive vision of what consumer interest should entail. He stated that the interest of the consumer, is that, “he should get a good article at a low price, and conveniently”.<sup>46</sup> Brandeis’s perception of consumer interest was therefore the combination of value, as well as consistency and ease of access to said quality for the price. This vision of consumer interest, and a corresponding vision of consumer protection, focused not just on ensuring that consumers were able to purchase quality goods at a low price — universally uncontroversial— but also that they would be able to do so without variation. The Brandeis-articulated vision of consumer protection stressed the importance of not just price and quality control, but also rejected inconsistency of value. Uniformity of value was just as important, if not more important, to the consumer interest than the standalone potential existence of high value.

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<sup>45</sup> United States Congress, ON H. R. 13305, 9.

<sup>46</sup> Ibid., 10–11.

Brandeis told the committee that true consumer interest would be served not just by the ability of a consumer to purchase goods of high value, but also that, “when he sees the article, when he considers buying it, [he] does not have to go through mental agony as to whether the price he is paying is too much or not too much”.<sup>47</sup> Although Brandeis set out his theoretical vision of consumer interest, and public interest, with the male hypothetical — referring to the consumer as he — Brandeis pivoted into using a hypothetical woman, instead, when it came to describing the world with no price fixing:

[Retailers] know if people are brought into the store and if shredded wheat, which can be had at 2 cents below standard price, is up in the fourth floor they will sell besides many other things. On the route through the store until the shredded wheat is reached are spread a series of baits of just the kind of things the woman who wants shredded wheat will probably be tempted to buy; and as she proceeds through this highway of temptations to or from the shredded wheat counter she is pretty sure to buy many different things which she had not intended to purchase.<sup>48</sup>

Women needed heightened protection from predatory retailers, and therefore consumers needed heightened protection from predatory retailers. The change in pronoun for the theoretical consumer was subtle but impactful — Brandeis argued that the Stevens Bill would be good for small manufacturers, producers, and retailers, and therefore in a roundabout way good for all consumers. But the greater benefit to consumers would be indirect. The women Brandeis painted as being manipulated by large retailers caused more damage to society than just themselves and their families, because such price-cutting affected the confidence and reputations of producers. Brandeis claimed that, “The thrifty housewife says to herself at once, ‘If this department store can sell [Kellogg toasted corn flake] for 8 cents, then I have been paying for years 2 cents more than it is worth, and she is led to stop using it’”.<sup>49</sup>

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<sup>47</sup> United States Congress, ON H. R. 13305, 11.

<sup>48</sup> Ibid., 14.

<sup>49</sup> Ibid., 15.

The invocation of the thrifty housewife suggested that it was not, in fact, merely the foolish women who were played by retailers, but that all women were necessarily made fools by them. Even the thrifty housewife — who for argument's sake might not fall prey to the aforementioned additional bait of retailers on her way to buy shredded wheat on sale — is a pawn in the retailer's game, because her notice of the sale price has far-reaching negative repercussions. The existence of the sale price, and the smart woman's notice that the retailer can and is willing to sell it at that lowered price, called into question the price and quality of the good she has previously purchased. Changes in price, Brandeis argued, would lead even the thriftiest of women to question their understanding of value, threatening not just the reputation of goods and their manufacturers, but also of the general stability of assessments of value, and the corresponding tools of the market, such as brands and trademarks. Such instability, Brandeis said, was ultimately bad for the wellbeing of all involved, since consistent and easy assessment of high value was a tenet of Brandeis's vision of consumer interest.

This claim involving the thrifty housewife and her perceptions and judgements did not allow for the possibility that said housewife would engage in one more level of analysis — that the retailer might have put some specific item at a cut price on the sales floor to entice the not-so-thrifty housewife into making other high-profit-margin purchases, thereby making up for the diminished profits or even losses associate with the initial cut-price good. Brandeis's thrifty housewife was one step above the woman who was buying shredded wheat and, on the way, tempted into other purchases, but she still did not understand the full extent and mechanism of retailer tactics.

Brandeis's argument against the status quo portrayed consumers, mostly women, as damsels who risked distressing the entire economic system. There was variation between women

— they needed direct protection from the deceit of retailers to different degrees — but all of them required protection from broader societal harm. Brandeis saw retailers as the clear causers of harm, specifically large department stores and chains with the power to use these new tactics like price cutting. But the greatest direct damage was not done to the women consumers, but rather to small retailers and producers, who could not compete with their larger peers, or afford to have their reputations — and therefore existences — threatened by the manipulative means of retailers. As compared to the direct harm on women consumers, which Brandeis suggested was more marginal, this threatening of small producers and retailers resulted in a negative effect that was both much larger and less obvious: “she [the individual consumer] is injured to a very large extent without knowing it”.<sup>50</sup> Therefore, although Brandeis made a claim about impact on consumers in the long run, direct protection of consumer interest was not so much the immediate goal so much as was the prevention of women being used as pawn by manipulative retailers in the destruction of smaller, more traditional producers and retailers. Congress, Brandeis testified, should stop letting these new retailers use women, blindly unaware of the later implications, to destroy the power of small retailers and reputations of producers.

Not all proponents of the Stevens Bill were as willing as Brandeis to absolve women as consumers of their active responsibility in creating a situation that necessitated such a bill’s proposal in the first place. Christine Frederick testified to the House Judiciary Committee in support of the Stevens Bill just weeks before Brandeis addressed the Committee on Commerce.<sup>51</sup> Frederick was most famous as a home efficiency expert — she wrote and spoke to women about

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<sup>50</sup> United States Congress, ON H. R. 13305, 30.

<sup>51</sup> United States Congress, “ON TRUST LEGISLATION IN TWO VOLUMES,” Pub. L. No. Y4.J89/1:T77/5/v.1, § COMMITTEE ON THE JUDICIARY (1913), <https://congressional.proquest.com/congressional/docview/t29.d30.hrg-1913-hjh-0005?accountid=15172>.



how to run their homes more efficiently.<sup>52</sup> Like Filene, her success and public prominence was largely due to her ability to capitalize on the new nature of American life, given mechanization and mass production. A wife and mother of four, the first born in 1908, she carved out a role for herself in the changing American landscape for women, balancing her obligations to her household with the modernities of the new century.<sup>53</sup> At a time when other American women were using the modernity to justify entirely new positions in society for women — early American feminists were her contemporaries — Frederick used modernity to make a position for herself in public discourse but ultimately embraced more traditional visions of womanhood and homemaking, altered and improved by the technological and theoretical advancements of the era. Frederick wrote for a variety of women's magazines, including *Ladies' Home Journal* in 1912.<sup>54</sup> She was advocate of scientific management — pioneered by the industrialists of the era for the workplace — in the home. Frederick, like Filene, thought of advertising as a necessary and positive force in a modern, technological society.<sup>55</sup> But on the question of price cuts and bargain-hunting, she testified in front of the House Judiciary Committee firmly in support of price fixing and the Stevens Bill, on behalf of the Housewives' League of America and the Ladies Home Journal<sup>56</sup> — subliminally projecting herself as speaking on behalf of women consumers.

In her testimony, Frederick criticized the existence of price-cutting, certainly vilifying the retailer who chose to cut prices, but her sharpest criticism was reserved for the women who fell for these tactics. She described and excoriated, “the folly of women who spend half a day, 6000

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<sup>52</sup> Janice Williams Rutherford, *Frederick, Christine (06 February 1883–06 April 1970)*, vol. 1 (Oxford University Press, 2015), <https://doi.org/10.1093/anb/9780198606697.article.2001930>.

<sup>53</sup> Janice Williams Rutherford, “A Foot in Each Sphere: Christine Frederick and Early Twentieth-Century Advertising,” *The Historian* 63, no. 1 (FALL 2000): 67–86.

<sup>54</sup> Rutherford, *Frederick, Christine (06 February 1883–06 April 1970)*.

<sup>55</sup> Rutherford, *Selling Mrs. Consumer*, 25.

<sup>56</sup> United States Congress, ON TRUST LEGISLATION IN TWO VOLUMES, 725.

calories of energy and 10 cents in carfare to rush downtown to take advantage of a cut price — such as a 25-cent toothbrush selling for 15 cents’’.<sup>57</sup> Far from being passive prey to the department stores and manipulated once they were already inside a store and subject to new retailing tricks — as Brandeis implied — Frederick’s evaluation of women as shoppers was harsher and more unforgiving. Her testimony could reasonably have been taken to suggest that women lose their rationality in the face of a price cut, to an extent that obviously made no sense. The craze was in considerable part the consumer’s own fault, then — 10 cents in carfare to make it to a sale in which one saves 10 cents on an item, plus the added cost of much time and energy, was very obviously not a good deal. Unlike Brandeis, Frederick highlighted no layers of complicated, far-reaching contingent implications highlighted in her testimony, and the victimhood of women preyed on by new retail powers was the fault of the retailers but also heavily abetted by the weakness and lack of sense of the women and prey themselves.

Frederick implied measures as proposed by the Stevens Bill were necessary not just because all consumers, who happened to be mostly women, needed such protection, but precisely because women were the nation’s primary shoppers, by far, and were prone to such folly. In Frederick’s evaluation, the woman — now faced with choice in what and how she buys for her household — needed to be protected mostly from herself, and her own weak will and lack of reason, triggered into failure and the utter loss of sense by things such as an advertisement of a price cut. Their ability to choose needed to be constrained for their own immediate and obvious good, since external factors could so easily cloud and manipulate that choice.

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<sup>57</sup> United States Congress, ON TRUST LEGISLATION IN TWO VOLUMES, 728.

Frederick's testimony to the House Judiciary made the New York Times the next morning<sup>58</sup>, and Brandeis referenced and commended her testimony in his later statement to the Committee on Interstate and Foreign Commerce<sup>59</sup>. However, although they might have been fallen squarely on the same side in their support of the Stevens Bill, and considered each other allies on the issue, their testimony actually revealed chasms even within the group of people were in agreement about their suspicions over the groups newly empowered by mass consumption — retailers and consumers. The Brandeis and Frederick testimonies both highlighted the need for government intervention to address a societal ill about how women and retailers engaged in consumption, to both Frederick and Brandeis, showed clear ill effects on both the individual consumer and society at large. But their testimonies proved that they would not have agreed on the exact breakdown of which groups were responsible for what, and what actually was the source of the issue. Although they united to support the proposed solution — the Stevens Bill — they actually had different assessments about the extent and distribution of responsibility and impact.

Were women hapless and therefore too irresponsible and full of folly to have the newfound power that they did, deciding how to spend their households' dollars? And were retailers merely taking advantage of that dangerous cocktail of freedom and irresponsibility? Or, were retailers much more active in perpetuating those evils and destabilizing what was previously the backbone of economic society, using individual consumers to widen their profit margins while manipulating them into believing this new system offered the possibility of both more value and choice — and therefore freedom and power? Brandeis and Frederick's respective

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<sup>58</sup> "HITS AT BARGAIN FOLLIES.: Housewives' League Wants Standard Prices and Standard Goods.," *The New York Times*, February 19, 1914.

<sup>59</sup> United States Congress, ON H. R. 13305, 62.

attempts to diagnose the issue and define the terms of a new mass consumption culture and its empowered groups demonstrated the extent to which Americans grappled with who ought to have what roles, responsibilities, and regulations — and why — in a society where the amorphous “consumer interest” was taking on increased importance but was still vaguely defined, both on its own and relationally.

Whether women needed protection from their own consumer behaviors was a question not limited to the working- and middle-class women who bargain-hunted to stretch their dollars and provide for themselves and their families. Their extremely wealthy counterparts faced similar sentiment. Wives of successful Chicago businessmen and industrialists, with effectively complete financial freedom, also inspired similar questions as they began to shop in the Chicago downtown, about the ease with which women and their consumption habits were manipulated by external influences as trivial as the fashion industry.<sup>60</sup> Chicagoans questioned the fitness of these women for informal and formal participation in public life; some claimed women could be manipulated into wearing hoop skirts, despite the obvious nuisance of such garments, and therefore should not be out in public on their own shopping in the streets of downtown, and more seriously, should not get the vote.<sup>61</sup> The protective tendencies faced by these wealthier women demonstrated the uniform challenges of women carving out a more prominent public identity, since money — and the supposed frenzied enticement of a deal resulting in irrational thinking — was of no concern to this group of women, in comparison to bargain-hunters. Despite not facing financial constraints, and therefore arguably being one degree less susceptible to engaging in folly over a price-cut or bargain, public discourse also painted wealthy women as easily

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<sup>60</sup> Remus, *A Shoppers' Paradise*, 46.

<sup>61</sup> *Ibid.*, 47.

exploited by businessmen who would capitalize on female consumption desires.<sup>62</sup> Wealthy women, however, did not have distinct and discernable enough blanket consumption practices — unlike bargain-hunters — and attempts to debate, rebuke, or legislate to address their propensity to be manipulated came more in individual, highly specific realms that were resolved at a much smaller level, like the small group of wealthy theater-going women in Chicago themselves choosing not to wear certain hats after facing backlash.<sup>63</sup> The issues of bargain-hunting were raised at much larger and more involved scale.

The cracks in the fault lines in the debate over the Stevens Bill and the lack of clear reason for alliance, reflected the broader debate over progressive ideals and visions of consumption and female participation in society. The idea that women might need additional legislative measures for their own protection was more explicitly and hotly debated in the period with respect to labor movements, but the discussion surrounding the Stevens Bill showed that — although it might not have been as explicit a theoretical belief — Americans struggled with if and how to regard the place of protective laws for women as consumers much more than they did women as workers, and inconsistently so.

Women's labor history in the early 20<sup>th</sup> century revolved around the question of whether progressivism meant that women ought to be treated equally as men, or if they should be subject to additional restrictions in the workplace.<sup>64</sup> In 1903, Oregon passed a state law that restricted the number of hours women in factory or laundry jobs could work. An employer, fined \$10, challenged the law, and it went all the way up to the Supreme Court, on the claim that it was

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<sup>62</sup> Remus, *A Shoppers' Paradise*, 145.

<sup>63</sup> *Ibid.*, 100, 111, 115.

<sup>64</sup> Joanna L. Grossman, "Pregnancy, Work, and the Promise of Equal Citizenship," *Georgetown Law Journal* 98, no. 3 (March 2010): 567–628.

inconsistent with the Court's earlier decision in *Lochner v. New York*.<sup>65</sup> In *Lochner*, the Court ruled that a New York cap on the hours a man could work in bakeries was unconstitutional.<sup>66</sup> In *Muller v. Oregon*, Muller's lawyers argued that the state should not be able to regulate the hours of a woman in a laundry or factory, just like men in bakeries. Brandeis was the lead attorney for the state, arguing — just as he would on the consumer issue — for protective legislation for women. Brandeis's brief, which explicitly cited the four reasons for reduced working hours for women as “(a) the physical organization of women, (b) her maternal functions, (c) the rearing and education of the children, (d) the maintenance of the home” greatly influenced the Court's opinion,<sup>67</sup> and, despite the precedent set by *Lochner*, the Supreme Court upheld Oregon's protective law in 1908. The upholding of this protective law — additional conditions on female employment purporting to protect the well-being of women — was particularly notable given the relatively advanced legal and political status of women in Oregon at the time. By 1908, both married and single women in Oregon had the same rights of contract and property ownership as men.<sup>68</sup> Still, the Court was unanimous in its upholding, and *Muller* became a landmark case — protective labor legislation was not seriously judicially questioned again until the 1960s.<sup>69</sup>

Protective reform in labor history was often couched in the language of protecting and preserving women's physical health and function — with both implicit and explicit reference to women being more fragile, and therefore in need of more protection, and to the still-paramount

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<sup>65</sup> The Editors of Encyclopedia Britannica, “Muller v. State of Oregon,” in *Encyclopedia Britannica*, December 4, 2007, <https://www.britannica.com/event/Muller-v-State-of-Oregon>.

<sup>66</sup> Melvin I. Urofsky, “Lochner v. New York,” in *Encyclopedia Britannica*, April 10, 2018, <https://www.britannica.com/event/Lochner-v-New-York>.

<sup>67</sup> Grossman, “Pregnancy, Work, and the Promise of Equal Citizenship,” 597.

<sup>68</sup> Grossman, 596.

<sup>69</sup> Judith A. Baer, *The Chains of Protection: The Judicial Response to Women's Labor Legislation*, Contributions in Women's Studies, no. 1 (Westport, Conn: Greenwood Press, 1978), 5.

child-bearing and family-rearing responsibilities of women in the workforce.<sup>70</sup> Alice Kessler-Harris has argued that the protective labor reform was itself not the result of aligned underlying motives. Many of the groups that organized for legislative reform to the condition of working women were themselves not working class. National groups and their regional affiliates, including the National Women's Trade Union League and the National Consumers League, which applied legislative pressure with its "white-label" campaign to designate products of acceptable working conditions<sup>71</sup>, often had middle-class women in leadership positions.<sup>72</sup> Working class women fought for legislative reform for better conditions and pay — particularly significant given the ubiquity of dangerous and unsanitary conditions and hours — that would make their economic survival easier.<sup>73</sup> Middle-class women and trade unionists fought for protective measures not directly for the improvement of wage workers' conditions but to make sure that they would still have the "health and morality required to sustain the family".<sup>74</sup> Although the language surrounding the issue might have suggested the prioritization of protecting working women's wellbeing, protective reform in labor was actually an argument for

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<sup>70</sup> Alice Kessler-Harris, *Women Have Always Worked: A Concise History*, Second edition, The Working Class in American History (Urbana: University of Illinois Press, 2018), <https://muse.jhu.edu/book/62878>.

<sup>71</sup> Kathryn Kish Sklar, "The Consumers' White Label Campaign of the National Consumers' League, 1898-1918," in *Getting and Spending*, ed. Susan Strasser, Charles McGovern, and Matthias Judt, 1st ed. (Cambridge University Press, 1998), 17–36, <https://doi.org/10.1017/CBO9781139052634.002>.

<sup>72</sup> Jeffrey Haydu, "Consumer Citizenship and Cross-Class Activism: The Case of the National Consumers' League, 1899-1918," *Sociological Forum* 29, no. 3 (September 2014): 628–49; Kathryn Kish Sklar, *Kelley, Florence (1859-1932), Social Reformer*, vol. 1 (Oxford University Press, 2000), <https://doi.org/10.1093/anb/9780198606697.article.1500376>.

<sup>73</sup> Kessler-Harris, *Women Have Always Worked*.

<sup>74</sup> *Ibid.*, 95.

public welfare in a society where women's contribution to social wellbeing was most importantly through family.<sup>75</sup>

The protective theme, and if and what place it ought to have in consumer issues and protection, was complicated in a way that protective labor laws were not precisely because shoppers — bargain-hunters — blurred the distinctions between traditional spheres of private, domestic existence, and public, political ones. Women shopping for their households, taking household income and acting as the purveyors of goods for their families, was a distinctively female responsibility both before and after the advent of mass production — the existence of bargain-hunters, of shoppers in the true sense, was squarely within the conservative, long-standing conception of the female sphere, unlike female laborers. Therefore, the undercurrent of labor protectionist proclivities was not cleanly applicable to advocacy for protective policy in consumption. And yet, shopping and hunting for bargains put women increasingly at the center of the economic, and therefore political and public, sphere. Brandeis's advocacy for protective consumer legislation, manifested in his support for the Stevens Bill, was similarly reasoned as advocacy for protective labor legislation. As he did in his advocacy of protective labor laws, Brandeis used the language of protecting women in consumption to convey an argument about public welfare. But unlike the Court in *Muller* with respect to women as workers, Congress was suspicious of Brandeis's argument about the need for protective legislation for women as consumers, regardless of whether it was actually for the protection of women or the secondary intention of protecting women as a means to protect the public. The clean judgments and convictions of those who advocated protective reform in women's labor movements — and their

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<sup>75</sup> Kessler-Harris, *Women Have Always Worked.*; Emily Bazelon, "Do Women Need Legislative 'Protection'?"



success legislatively and judicially — was not neatly transposed onto the question of consumer interest and protection, at least in part because shopping in the era of mass consumption blurred the binary of the traditional, distinct female and male spheres and new, less gendered conceptions of citizenship and participation in society. The Stevens Bill died in the House in 1915, but not before it and related discourse over bargain-hunting revealed the nuances and challenges of defining the consumer in an increasingly consumer-centered economic and political landscape.

### **Conclusion: the fate of the Stevens Bill, bargains, and American consumer mobilization**

Mass production and mass consumption in the United States brought about the rise of large retailers like department stores, national chains, and bargain basements. This new form of retail dominance, as compared to traditional local chains and an economy of concentrated power for manufacturers, led to new innovations in retail practices and shifts in the chain of consumption. Retailers, competing with each other for business, found new ways of attracting customers. Large retailers, with the advantage of economies of scale in their own purchasing from manufacturers and in their sales volume, embraced practices like offering merchandise at a cut price. Successful retailers with the capacity to do so, like Ed Filene, embraced the bargain. On the consumer end, shoppers — particularly in densely populated urban areas like Boston or New York — suddenly faced more choices, and the ability to truly comparison shop like never before. The once more local, personal act of women shopping for their families became instead an economic and political endeavor where working- and middle-class women shopping could meaningfully contribute to expanding their families' means by using their household incomes to acquire more value through bargain hunting.

It was in this context in which bargain-hunting became part of the rising consumer landscape. Meanwhile, the country grappled with how to think about the increasingly important and omnipresent idea of the consumer, its interests, and its protection. Mass consumption and the corresponding movement of consumer mobilization thrust economic citizenship into a central place in the American political and economic vision, but people still struggled to understand and conceptualize what this political entity actually was and how it should be regarded. Discourse over bargain-hunting and bargain-hunters reflected the new and unsettled realities of the consumer movement from the very beginning. The public grappled with the idea of bargain-hunting, whether it contributed to the corrosion of existing norms and values, whether it corrupted women and the family, and whether it was detrimental to society as a whole. Societal misgivings and commentary over bargain-hunting came to a head politically when Representative Stevens proposed the Stevens Bill, threatening to allow manufacturers to fix retail prices and put an end to price cuts and bargains altogether. Debate over the Stevens Bill, both formally in Congressional committees and in non-governmental forums and associations, displayed, once again, the odd bedfellows, and the lack of a neat division along existing political lines of the era's other major issues. Even within proponents, or opponents, of bargains, the various reasons and justifications showed the splintered nature of the discourse over bargain-hunting, which reflected the unprecedented and untethered shape of the idea of the consumer and an American vision of consumer interest and protection. The debate over bargain-hunting implicitly offered different visions of consumption and invoked the questions of control, standardization, protection, and choice in economic citizenship. Colored and complicated by the reality of women as the primary American shoppers, discourse on bargain-hunting demonstrated

the growing pains and development of the rising political place of consumption in the American imagination.

The Stevens Bill died in the House<sup>76</sup>, and Representative Stevens himself moved on from Congress after his own failed Senate bid. Stevens continued to be interested and involved in consumer protection—he was special counsel of the Federal Trade Commission from 1915 to 1917 — and remained engaged in commerce-related issues, serving at different times in his post-Congress career in the Allied Maritime Transport Council, United States Shipping Board, and as adviser to the King of Siam. Stevens ended his career back in issues of trade and commerce; he was a member of the Federal Tariff Commission for seven years — and chairman of the commission for the last five — until his death in 1942.<sup>77</sup>

Although Stevens himself did not sponsor any further proposed legislation on consumer protection after HB 13305, legislation to allow price-fixing continued to pop up almost yearly in Congress after the initial Stevens Bill.<sup>78</sup> It saw no success until the election of Franklin Delano Roosevelt, when the nation was in a deep economic depression and faced a very different economic landscape than the prosperity of just decades before. Under Roosevelt's New Deal, the National Recovery Administration set up price controls — no longer framed as measures to address, regulate, or protect consumers but instead to prop up a spiraling economy at large. Price-fixing, even under this drastically changed circumstance and justification, was almost instantly besieged; the Supreme Court unanimously struck down the NRA's price controls as unconstitutional in 1935. Roosevelt's landslide victory in his 1936 re-election — in which his

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<sup>76</sup> Stevens, A Bill to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public.

<sup>77</sup> United States Congress, "STEVENS, Raymond Bartlett"

<sup>78</sup> Jacobs, *Pocketbook Politics*, 34.

party also emerged with a majority in both houses of Congress — led him to set up similar provisions again through the Wagner Act.<sup>79</sup> In fighting to defend his New Deal, of which several measures had been struck down by the Court as unconstitutional, Roosevelt was prepared to take on the high court's power and proposed a court-packing plan that would allow him to appoint friendly justices and overpower the Court by making it up to 15 justices instead of 9.<sup>80</sup> Ultimately, price regulations under the Wagner Act were effectively saved by “the switch in time that saved nine”, in which Justice Owen Roberts sided with the Court's more liberal wing to deliver a victory for New Deal legislation, after which the Court became less hostile to Roosevelt's New Deal and Roosevelt dropped the independently highly unpopular plan to pack the court.<sup>81</sup>

Today, although price-fixing is allowed in certain protected industries — often for the same reasons cited in initial New Deal allowances — the idea that retailers would not be able to sell something at a price other than the manufacturer suggested retail price, or that everyday Americans, acting as consumers, might be barred from shopping a sale or discount on consumer goods is absolutely unthinkable. With the rise of the internet, the reach of bargains has even expanded geographically; smart shoppers across the country and even world do not need to live in Boston to be able to rush into Filene's Basement and see new arrivals at low prices. Coupons, deals, discounts, and sales are an undisputed and unpolitical part of American consumption,

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<sup>79</sup> The Editors of Encyclopedia Britannica, “National Recovery Administration,” in *Encyclopedia Britannica*, December 10, 2019, <https://www.britannica.com/topic/National-Recovery-Administration>.

<sup>80</sup> Gillian Brockell, “FDR Tried to Pack the Supreme Court during the Depression. It Was a Disaster for Him.,” September 24, 2020, <https://www.washingtonpost.com/history/2020/09/24/fdr-supreme-court-packing-rbg-trump/>.

<sup>81</sup> Marian C. McKenna, *Franklin Roosevelt and the Great Constitutional War: The Court-Packing Crisis of 1937*, 1st ed (New York: Fordham University Press, 2002).

everywhere from local corner stores to the largest and most powerful retail entities in the world. Consumers having the right and ability to comparison shop, look for a good deal, and hunt for a bargain is so agreed upon that it is a non-issue in the American understanding of and debates about consumer interest and consumer protection today. Yet, just a century ago, as the country worked out its understanding of what it meant to be a consumer in a new political and economic landscape, the uproar over bargain-hunting was common, significant, and reflective of the tensions and challenges of imagining the American consumer and economic citizenship at large.

(~11,190 words, excluding captions and footnotes)

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### **Bibliographic Essay**

This senior essay is the culmination of my academic interests and my family's relationship to the United States. In approaching this project, I initially knew only that I was interested in the question of how consumer culture, in the late 19<sup>th</sup> and early 20<sup>th</sup> century, took root in and shaped American political culture and identity. My interest in the subject was two-fold; Professor Bryan Garsten gave a lecture, as part of a class in the Spring of 2020, in which he referenced the rise of the idea of “good, cheap shoes” as a desire that everyone in the country could understand and share in. He spoke about the important ways in which the rise of mass consumption gave rise to a new pillar of American identity and citizenship — that of identifying oneself as a consumer. Across demographic divides, Americans could unite around issues surrounding purchasing and consumption.

In my personal life, I have always interested in how consumption and the concept of the consumer contribute to political identity, because my parents were Chinese immigrants to the United States. When they left China in the late 1980s and early 1990s, economic prosperity and mass consumption were just beginning to take root after decades of economic and cultural stagnation. The very limited consumption they participated in before emigrating was not political. My parents were shocked by the new realities and possibilities of economic citizenship in America. My thrifty father, with a child, aging parents, and four younger siblings to support, stretched and saved his meager salary, never buying things full-price and always looking for a deal on groceries, clothes, and household essentials. My mom — younger, and with fewer family burdens to bear — also hunted for good deals, though she spent most of her dollars on fashionable clothes, shoes, and books. By being good shoppers, they were able to provide and live far beyond their expected means in their new home country. Although Filene's Basement, by

my childhood, was far from the early bargain-hunters' mecca, I have vivid memories of my father talking about buying a suit at Filene's in Union Square when he first moved to New York. With that in mind, I wanted to research consumer mobilization — how did these cross-demography, cross-interest groups successfully, and quickly, build out this new American political interest and identity based on consumption?

Although, in hindsight, it seems obvious that I would write this essay on bargain-hunting and its relationship to American political conceptions and confusions over consumer identity and political citizenship, I took a long, winding road to arrive at my topic. I started by working with some key secondary works to understand the consumer movement and the context of its rise. David Huyssen's *Progressive Inequality* highlighted the existence of cross-demography coalitions in the Progressive movement. Those coalitions were often unsuccessful, and when they were, it was for sometimes unexpected reasons. Meg Jacobs' *Pocketbook Politics*, particularly the introduction and Part I, were critical in helping me confirm my interest in the subject. A brief reference, in an example Jacobs cited about the rise of mass retailers, to Ed Filene piqued my interest. Although I knew of Filene's Basement, I was actually initially drawn to Filene's personal politics. Late in his life, Filene was closely associated with a number of more high-profile progressive causes. But early on — while he was still building his department store and bargain basement success — he devoted himself to the consumer cause, helping it to enter in the mainstream. He spoke often, as a businessman, about the importance of making the goods he sold reasonably accessible to the shopgirls he hired. Filene seemed like the perfect window into a topic about coalition-building and coalescing around the consumer movement. More specifically, how and why did the Ed Filenes of the world — Harvard-educated, inheritor

of his father's business, and transformer of it into a booming success — become invested in the promotion of consumer as political citizen?

Filene wrote and published many books in his life, and I started by reading through those. Many of them were not related or only tangentially related to the consumer movement, with the exception of *Successful Living in this Machine Age* and *More Profits from Merchandising*. The natural next place to turn was his papers and archives, which are at the headquarters of the Credit Union National Association in Madison, Wisconsin. An early fall inquiry to CUNA led me to an unfortunate dead end; the Director of Public Affairs confirmed to me that none of the Filene papers had been digitized, and that the archives would be closed at least until Spring of 2021. Although there is correspondence between Filene and Louis Brandeis and Filene and Lillian Schoedler, at archives at the University of Kentucky and Radcliffe respectively, Professor Gage and I agreed that it might not be worth it, knowing that the true trove of materials on Filene would be inaccessible. So, I pivoted away from Filene, and looked for another figure or event from which I could study the movement and its cross-demography coalition building.

I considered switching to looking more at the connection and links between the labor and consumer movements. Since labor and consumer mobilization did, in fact, politicize overlapping swathes of the population, mostly female and often young, I looked for a way to connect the two sides of the labor-consumer coin and look at movement building across them. In the period I was interested in, mostly the second decade of the 1900s, labor violence led to Congress forming the Commission on Industrial Relations, or the Walsh Commission, to investigate labor conditions and the roots of and potential responses to labor violence.

The Walsh Commission was interesting, and relatively unstudied. The nine commissioners were appointed by the President, and were split approximately down the middle

in terms of affiliation with labor and industry. I thought that the four industry-representing commissioners could be particularly interesting, especially given the progressive, labor-sympathetic recommendations that the Commission's final reports ultimately yielded. Unfortunately, my attempts to track down personal papers and archives of these industry commissioners — railroad titan Frederic Delano, socialite Florence Harriman, businessman Harris Weinstock, and flour mill owner S. Thruston Ballard — yielded minimal promise of primary sources. Weinstock's papers are located at Berkeley, but seemed mostly to end at the formal documentation of his appointment to the Commission. Some Harriman papers were available piecemeal, through the Library of Congress and some correspondence, but the materials were mostly about the proposed specific responses to labor eventually put into the Commission's reports than they were reflective of consensus building and coalitions.

The consumer question was also more peripheral than I anticipated, brought up only as an indirect consequence of labor conditions. Although the Commission's reports exist — three different reports, with different combinations of commissioners signing onto each — they mostly issued recommendations with respect to decreasing labor violence and addressing labor conditions. Without more sources, like correspondence involving the commissioners about building alliances within the commission and coming to consensus, it was challenging to construct a narrative about coalition building for consumer well-being. The Walsh Commission unraveled a thread for me, however, in its reception and evaluation. Labor-aligned newspapers and even trade journals covered and analyzed recommendations published by the industry-aligned commissioners. One might expect that a strong labor union would be uninterested and perhaps even seek to dismiss or diminish the findings and recommendations of a subgroup of the commission that was entirely affiliated with employers. Instead, for example, the International

Brotherhood of Boilermakers published a synopsis of an industry-headlined report, bestowing it with, at the very least, legitimacy and a platform on the labor side. I suspected that unlikely bedfellows might be common in successful progressive movements.

Knowing that consumer mobilization was mostly the realm of women, I looked for instances of female solidarity— wealthy and working-class women working together to build and bring to prominence the consumer movement. Unfortunately, many wealthy women, like Alva Belmont and Harriet Stanton Blatch, were more involved on the labor side of progressive mobilization through alliances with working women. In the instances of cross-class consumer mobilization, it was challenging to find tailored, clear primary sourcing given my inability to go and parse through physical archives; the National Woman's Party papers, for example, are at the closed New York Public Library, as are the papers of the National Consumers League's Florence Kelley.

With the challenge of accessing primary sources relevant to cultural and popular history given the Covid-19 pandemic, Professor Gage suggested I look at high politics, and the way in which the Presidents of the early 20<sup>th</sup> century thought about consumer issues. I found a particularly interesting online Library of Congress exhibit titled *Prosperity and Thrift: The Coolidge Era and the Consumer Economy 1921-1929*. Although the exhibit itself was a bit off from my interests thematically or time-wise — it was a documentation of the combination of prosperity and mass consumption — it did have primary sources that underscored the decade's vision of “thrift”. By and during the Coolidge era, the idea of “thrift” came to be a central American virtue and tenet; with the rise of mass consumption, buying good things at value prices became something praised and centered in American politics and identity.

The enshrining of “thrift” rang alarm bells for me; wasn’t the very definition of thrift embodied by the bargain-hunters of the consumer era just a decade or so earlier? Jacobs wrote briefly about how bargain-hunters were often met with condescension. In the Library of Congress exhibit, one of the sources was a 1927 speech by Filene, who had been invited to speak to the American Economic Association about the status and future prospects of American department stores. Something had changed in between the era of “bargain-hunting” denoting a bad practice and the welcoming of Filene to speak as part of this vision of thrift as virtue. Where and how, I wondered, did this shift happen, and what could it tell me about the consumer movement and building consumer identity? I put cross-demography coalition-building on the back burner, and went back to Filene, bargain-hunting, and women shoppers with a new lens. Around this time, I read Emily Remus’s *A Shopper’s Paradise*, which demonstrated the impact of the shopping and consumption of wealthy women in Chicago. Remus’s parsing of the strange, often unexpected, alliances and sides on any given issue or practice with respect to the wealthy women of Chicago made me wonder if unexpected alliances and positions were also part of the consumption of the working class.

My project turned into one of examining the narrative and discussion over bargain-hunting and shifts in that narrative — how did the bargain-hunters, so derided, shape what eventually became known as consumer protection, its key assumptions, and its mode of operation? How did the language of and attitude toward different types of bargains, thrift, and even consumer protection change as Americans shopped through the early century? I went looking for how people talked about bargain-hunters and bargain-hunting. People contested the practice in newspapers. It was complicated; cartoons, satire, and articles questioned the place of bargains in the American economy and society. Next to them, large department stores and



bargain basements ran advertisements putting out the bargains to be hunted. Debate raged at the intersection of class, gender, morals, economics, and politics. I knew, by a quick mention from Jacobs, that Congress had even tried to curtail bargain-hunting unsuccessfully, year after year, starting with a 1913 bill by a first-term representative, Raymond Stevens. I dug around that bill more closely, and found that the commentary on the bill by both the public and Congress, reflected in the Congressional testimony attached to that bill was a treasure trove of insight into the anxieties and tensions of the new consumer era, reflected in attitudes about bargain-hunting.

I found that the positions taken by different people and groups was often unexpected and, even within people who came out on the same side of their regard for bargain-hunting, splintered. Consumer identity and interest was unlike other movements of the time, not necessarily constrained by existing political alliances and beliefs. The confusion and tension over bargain-hunting reflected the fly-the-plane-while-building-it nature of the consumer movement in America, and the evolving attitudes in the country with respect to gender, class, business, morality, politics and — most complicated of all — at their intersection. Everyone understood that consumer identity and protection had and would have a place in American identity and politics. My essay demonstrates that bargain-hunting, the humble shopping practice of ordinary, overlooked working-class women — mostly nameless and faceless women who shaped this country with their subtle but powerful actions and attempts to survive and provide — forced all Americans to think about how and what that place should be and ultimately brought the potential and challenges of the American consumer movement to the surface. That movement and its questions have lived on, rebirthing and reasserting their relevance to all Americans at times throughout United States history, including, arguably, our present moment.

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